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09/055,712	04/07/1998	HYOUNG-JOO LEE	1317.1028/MID	4304
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			VAN HANDEL, MICHAEL P	
		ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/055,712	LEE, HYOUNG-JOO	
	Examiner	Art Unit	
	MICHAEL VAN HANDEL	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 November 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,5-17,20-31,33-36 and 53-60 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,5-17,20-31,33-36 and 53-60 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Miscellaneous

1. Please note that the examiner of record has changed. Although the examiner's interpretation of the cited prior art may differ in places from that of the prior examiner, the examiner finds that the prior examiner's rejection properly met the claim limitations, as noted in the Office Action below. Additionally, the current examiner has noted alternative interpretations of the cited prior art that meet the claim limitations in an effort to advance prosecution.

Response to Amendment

1. This action is responsive to an Amendment filed 11/06/2008. Claims **1, 5-17, 20-31, 33-36, 53-60** are pending. Claims **1, 5, 7, 12-17, 20-22, 25, 28-31, 33-36** are amended. Claims **2-4, 18, 19, 32** are canceled. Claims **37-52** are withdrawn. Claims **53-60** are new.

Response to Arguments

1. Applicant's arguments regarding claims **1, 7, 12, 13, 17, 21, 26-31, 33-36, 53, 55, 57**, and **59**, filed 11/06/2008, have been fully considered, but they are not persuasive.

Regarding claims **1, 7, 12, 13, 17, 21, 26-31, 33-36, 53, 55, 57**, and **59**, the applicant argues that Young does not display the current time. The examiner respectfully disagrees. Young discloses a percentage calibrated time bar 72 associated with a currently viewed program (col. 10, l. 20-40 & Fig. 10). The bar is bracketed by S for start, and F for finish (col. 10, l. 34-35). The examiner notes that Figure 10 illustrates the current time in the calibrated time bar with

a vertical line, where the portion of the bar representing the completed portion of the program ends (Fig. 10). The examiner interprets this as displaying a current time, as currently claimed. Furthermore, the examiner notes that Young discloses displaying the current time in the channel information field 62 (col. 10, l. 25-27). For example, in the instance illustrated in Figures 9 and 10, the current time is shown to be 11:00A (Figs. 9, 10). The examiner also interprets this as displaying the current time, as currently claimed.

Claim Objections

1. Claims **28, 29, 34, 53, 56** are objected to because of the following informalities:

Referring to claim **28**, the examiner notes that the phrase “the command” lacks antecedent basis. The examiner fails to find a previous recitation of a “command” in claim 28. As such, the examiner recommends that the phrase be changed to “a command” and addresses the claim in the Office Action below as though the recommended changes have been made.

Further referring to claim **28**, the examiner notes that the phrase “the user” lacks antecedent basis. The examiner fails to find a previous recitation of a “user” in claim 28. As such, the examiner recommends that the phrase be changed to “a user” and addresses the claim in the Office Action below as though the recommended changes have been made.

Referring to claim **29**, the examiner notes that the phrase “the currently viewed program” lacks antecedent basis. The examiner fails to find a previous recitation of a “currently viewed program” in claim 29. As such, the examiner recommends that the phrase be changed to “a currently viewed program” and addresses the claim in the Office Action below as though the recommended changes have been made.

Referring to claim **34**, the examiner notes that the phrase “the time information” lacks antecedent basis. The examiner notes that “program progress time information” is recited in the preamble of claim 34, but that there is no previous recitation of “time information.” As such, the examiner recommends that the phrase be changed to “the program progress time information” and addresses the claim in the Office Action below as though the recommended changes have been made.

Further referring to claim **34**, the examiner notes that the phrase “the currently viewed program” lacks antecedent basis. The examiner fails to find a previous recitation of a “currently viewed program” in claim 34. As such, the examiner recommends that the phrase be changed to “a currently viewed program” and addresses the claim in the Office Action below as though the recommended changes have been made.

Referring to claim **53**, the examiner notes that the limitation “wherein the beginning time of the current program, the current time, and the terminating” at the bottom of the page appears to be an error, since it appears misplaced in the claim. The examiner recommends that the limitation be removed from the claim, and addresses the claim in the Office Action below as though the recommended changes have been made.

Further referring to claim **53**, the examiner notes that the phrase “the numerical format” lacks antecedent basis. The examiner fails to find a previous recitation of a “numerical format” in claim 53. As such, the examiner recommends that the phrase be changed to “a numerical format” and addresses the claim in the Office Action below as though the recommended changes have been made.

Referring to claim **56**, the examiner notes that the preamble is directed towards a method, while the preamble of claim 53, from which it depends is directed towards a display device. As such, the examiner recommends that the preamble be changed to “The display device as claim in claim 53,” and addresses the claim in the Office Action below as though the recommended changes have been made.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1, 5-7, 10-17, 20-24, 28-31, 53-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (of record) in view of Ellis et al. (of record), and further in view of Davis et al. (of record).

Referring to claims **1, 12-17, 21, and 28-31**, Young discloses a method/device of displaying a program progress time on a signal receiver, i.e., on a graphical interface screen (item 72)(Fig. 10) which receives and processes program guide information containing a program schedule (col. 1, l. 20-30), comprising the steps of:

(a) storing the program guide information (to a schedule memory)(item 232)(Fig. 22A);
(b) setting a command of the signal receiver which is commonly usable by a user as a display command to display time information about a currently viewed program (a program with

the display time information, the display time information, such as the running time or the elapsed time are displayed on demand for the user)(col. 8, l. 45-65 & Figs. 6, 10);

(c) displaying the time information about the currently viewed program together with the currently viewed program when the user issues the display command set in operation (b)(user uses a Select command for displaying the information)(col. 8, l. 66-67; col. 9, l. 1-10; & Fig. 10), the time information comprising a beginning time with respect to the currently viewed program, a terminating time of the currently viewed program, and a current time with respect to the currently viewed program (item 72 is a percentage calibrated time bar, where S indicates a beginning time, F indicates a finishing time, and current time is indicated at line in bar. Current time is additionally indicated in 62 as 11:00A)(col. 10, l. 20-40 & Fig. 10);

(d) automatically displaying next program information when a remaining program time reaches a preset time (the examiner notes that when the remaining program time reaches zero, the next broadcast program comes on. The examiner interprets this as automatically displaying next program information when a remaining program time reaches a preset time).

Furthermore, the technique of reserving a preset time or time interval whenever the user watches an existing program reaching the preset time, e.g., a five minutes ahead of a program or in other words, about five minutes left for the remaining viewing program, for displaying the next program information is taught by Ellis et al. as Ellis et al. shows that at a predetermined set time, a reminder is popped up and showing that a next program is about to start (col. 13, l. 60-67; col. 14, l. 1-26; & Figs. 9A, 9B). Furthermore, Ellis et al. discloses a display for a current viewing program with its present (actual) time including its program start time and program terminate time as well as other program/channel information with its display screen for the

current viewing channel (Figs. 11A-11C for illustration for channels 21, 22 & 23), and future program times including its program start time and program terminate time as well as other program/channel information with its display screen for the current viewing channel (Figs. 12B, 12C, 13A-C).

Additionally, Davis et al. teaches the same method of “automatically displaying next program information when a remaining program reaches a preset time” (setting of a reminder that can be pre-set in a predetermined period and the reminder automatically displaying message information ahead of the program, i.e., 5 minutes, before the program starts)(col. 16, l. 39-67; col. 17, l. 1-12; col. 36, l. 42-67; col. 37, l. 1-8; & Figs. 14, 48). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Young’s remaining program progressing bar to display next program information by default or by the user defined as disclosed when a remaining (existing) program time reaches a preset time, i.e., about 5 minutes left, as taught by both Ellis et al. and Davis et al. for the viewer’s convenience to preview the next program information for the upcoming program as desired.

Referring to claims **5** and **6**, Young also discloses the steps of “wherein the time information includes the program progress time determined by subtracting the beginning time from the current time” and “wherein the time information further comprises the remaining program time determined by subtracting the current time from the program terminating time as Young shows a progressing bar for indicating the elapsed time of the currently playing program from the start until the end (item 72)(col. 10, l. 20-40; col. 12, l. 56-58; & Fig. 6).

Referring to claim **7**, Young discloses a method of displaying a program progress time on a signal receiver (on a graphical interface screen)(item 72)(Fig. 10), which receives and

processes program guide information containing a program schedule (col. 1, l. 20-30), comprising:

- storing program guide information (to a schedule memory)(item 232)(Fig. 22A);
- automatically displaying a time information about a currently viewed program on the signal receiver when a user issues a display command (Select command) the time information including a beginning time with respect to the currently viewed program, a program terminating time of the currently viewed program, and a current time with respect to the currently viewed program (item 72 is a percentage calibrated time bar, where S indicates a beginning time, F indicates a finishing time, and current time is indicated at line in bar. Current time is additionally indicated in 62 as 11:00A)(col. 10, l. 20-40 & Fig. 10); and
- automatically displaying next program information when a terminating program time reaches a preset time (the examiner notes that when the remaining program time reaches zero, the next broadcast program comes on. The examiner interprets this as automatically displaying next program information when a remaining program time reaches a preset time).

Furthermore, the technique of reserving a preset time or a time interval whenever the user watches an existing program reaching the preset time, e.g., five minutes ahead of a program or in other words, about five minutes left for the remaining viewing program, for displaying the next program information is taught by Ellis et al. as Ellis et al. shows that at a predetermined set time, a reminder is popped up and showing that a next program is about to start (col. 13, l. 60-67; col. 14, l. 1-26; & Figs. 9A, 9B); and furthermore, Ellis et al. discloses a display for a current viewing

program with its present (actual) time including its program start time and program terminate time as other program/channel information with its display screen for the current viewing channel (channels 21, 22, & 23)(Figs. 11A-11C) and future program times including its program start time and program terminate time as other program/channel information with its display screen for the current viewing channel (Figs. 12B-12C, 13A-13C).

Additionally, Davis et al. teaches the same method of “automatically displaying next program information when a remaining program reaches a preset time” (setting of a reminder that can be pre-set in a predetermined period and the reminder automatically displaying message information ahead of the program, i.e. 5 minutes, before the program starts)(col. 16, l. 39-67; col. 17, l. 1-12; col. 36, l. 42-67; col. 37, l. 1-8; & Figs. 14, 48).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Young’s remaining time program progressing bar with a technique of displaying the next program information by a default or by a user defined as disclosed when a remaining (existing) program time reaches a preset time, i.e., about 5 minutes left, as taught by both Ellis et al. and Davis et al. for the viewer’s convenience to preview the next program information for the upcoming program as desired.

Referring to claim 10, Young also teaches “wherein the commonly usable command of the signal receiver is a command for a channel up/down,” because the program note including the progressing time is in the overlay portion, and when the user sends the command by pressing the channel up/down, the overlay portion will display its content corresponding to the up/down channel (items 136)(col. 8, l. 46-65; col. 10, l. 20-40; & Figs. 10, 21).

Referring to claim **11**, Young also teaches the step of “wherein the commonly usable command of the signal receiver is a command for a remote controller event” (item 212)(col. 10, l. 20-40 & Figs. 10, 22B).

Referring to claim **20**, Young teaches “generating a setup display for the user to designate ones of a plurality of commands to function as the command to perform the function other than displaying the program progress time upon receipt of the command” and “receiving inputs from the user designating the ones of the plurality of commands to function as the command to perform the function other than displaying the program progress time upon receipt of the command” are taught by Young as Young indicates other functions for the user to command, such as What’s On TV, What’s on Tape, Recordings, Themes, and etc. (Figs. 4, 7, 8, 11, & 13).

Referring to claim **22**, Young teaches “generating a setup display for the user to designate ones of a plurality of commands to function as the command to perform the function other than displaying the program progress time upon receipt of the command, wherein the plurality of commands further comprises displaying the program progress time at a preset time prior to a program termination of the currently viewed program, and for the user to designate another command to display next program information on a same channel as the currently viewed program at the preset time; receiving inputs from the user designating whether the ones of the plurality of commands are to function as the command to perform the function other than displaying the program progress time upon receipt of the command; and displaying the next program information at the preset time if the first and the another commands are set by the user positively” is suggested by Young as Young allows users to set up the start time and end time of the program(s) and the displaying of the program notes including the program progress time (col.

8, l. 46-65; col. 23, l. 60-67; col. 24, l. 1-13; & Fig. 25)(see also Ellis et al. with regard to claims 1 & 7 above).

Referring to claims **23** and **24**, Young teaches “wherein the program progress time further includes a program beginning time and a program termination time of the currently viewed program,” as Young reveals to include the running time of a program including the starting time and the finishing time as shown on the status bar (item 72)(col. 8, l. 59-60; col. 10, l. 20-40; & Fig. 10) and “wherein the program progress time further includes a channel number, a name of a broadcast station and a title of the currently viewed program” (Cosby Show (Title) is currently broadcasting on channel 2 (channel number) and by KNTV-FOX (name of a broadcast station)(Fig. 10).

Referring to claims **53, 55, 57**, and **59**, Young discloses a display device/method which displays program progress information of a current program, the display device comprising:

- a receiver which receives the current program and at least one of a beginning time of the current program and a terminating time of the current program (Fig. 22A);
- a display which displays the current program, and the program progress information of the current program, wherein the program progress information includes the beginning time of the current program, a current time, the terminating time of the current program and a progress bar indicating a progress time of the current program, wherein the progress bar has a first end and a second end, and the beginning time is displayed at the first end of the progress bar and the terminating time is displayed at the second end of the progress bar, and the progress time of the current program is

displayed on the progress bar between the first end and the second end (item 72)(col. 10, l. 20-40 & Fig. 10).

Young does not specifically disclose that the beginning time and terminating time be displayed in a numerical format; however, Ellis et al. discloses a similar environment where a program beginning time, ending time, and current time are displayed in numerical format (Fig. 11A). Additionally, Davis et al. discloses a similar environment where a program start time and a program end time are displayed in numerical format (Fig. 5). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify start and finish times of the progress bar 72 of Young to display the start and finish times in numerical format, such as that taught by both Ellis et al. and Davis et al. in order to provide a more informative and user friendly interface.

Referring to claims **54** and **56**, the combination of Young, Ellis et al., and Davis et al. teaches the display device/method as claimed in claims 53 and 55, respectively, further comprising a microprocessor to determine a remaining time of the current program, and the remaining time is displayed as a first color, wherein the progress time of the current program is displayed as a second color and wherein the first color and the second color are displayed on the progress bar (Young col. 12, l. 56-58 & Fig. 10).

Referring to claims **58** and **60**, the combination of Young, Ellis et al., and Davis et al. teaches the display device according to claim 57, wherein each of the beginning time, the current time and the terminating time is displayed in a respective location relative to the progress bar, such that the respective location depends upon the type of the at least one time information (Young Fig. 10).

3. Claims **8, 9, and 25-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (of record) in view of Ellis et al. (of record), further in view of Davis et al. (of record), and still further in view of Jennings, Jr. et al. (of record).

Referring to claims **8, 9, and 25-27**, Young discloses a method of displaying a program progress time, wherein the time information further comprises a percentage of the program progress time as compared with a total program broadcasting time calculated by subtracting the beginning time from the program terminating time (progressed time is displayed as a percentage of the total bar) and wherein the time information further comprises a percentage of the remaining program time as compared with the total program broadcasting time (remaining program time is displayed as a percentage of the total bar)(item 72)(col. 10, l. 27-35 & Fig. 10).

Furthermore, the technique of displaying a progressive time bar together with the percentage numbers of indicating how much percentage of the program is completed and the setting of a function to perform at a preset time is known in the prior art. In fact, Jennings, Jr. et al. discloses a technique of displaying a status bar with percentage numbers for indicating the percentage of the program that is completed (col. 6, l. 20-26 & Fig. 2). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Young's percentage calibrated bar in the combination of Young, Ellis et al., and Davis et al. to include percentage numbers next to the progressive time bar, such as that taught by Jennings, Jr. et al. in order to offer a clear and precise visual notification to users about the currently viewing program being broadcasted as well as the remaining time of that program in terms of percentage numbers instead of an estimation.

4. Claims **33-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (of record) in view of Davis et al. (of record).

Referring to claims **33-36**, Ellis et al. discloses a method of outputting and displaying a program progress time on a signal receiver, which receives and processes program guide information containing a program schedule, comprising: receiving program guide information including a program schedule having the currently viewed program (col. 2, l. 63-67; col. 3, l. 1-22; & Fig. 1), the program progress time including a current time (as illustrated in Fig. 12A at a current time of 4:37PM for channel 21, program information for that channel is displayed)(Fig. 12A); storing the program guide information (to a memory. Program schedule information can be stored at ROM 17)(col. 5, l. 17-38 & Fig. 1); displaying and outputting the time information about the currently viewed program together with the currently viewed program automatically when the user issues the display command set (Figs. 11A-11C, 12A, & 13A); displaying the time information and next program information automatically when the current time reaches a preset time (a technique of reserving a preset time or a time interval whenever the user watches an existing program reaching the preset time (five minutes ahead of a program or in other words, about five minutes left for the remaining viewing program of the current would be reached)), for displaying the next program information is disclosed by Ellis et al. as Ellis et al. shows that at a predetermined set time, a reminder is popped up and shows that a next program is about to start (col. 13, l. 60-67; col. 14, l. 1-26; & Figs. 9A, 9B). Ellis et al. also discloses a display for a current viewing program with its present (actual) time including its program start time and program terminate time as other program/channel information with its display screen for the

current viewing channel and the current time (channels 21, 22, & 23)(Figs. 11A-11C) and future program times including its program start time and program terminate time as other program/channel information with its display screen for the current viewing channel (Figs. 12B-12C & Figs. 13A-13C).

Additionally, Davis et al. teaches “automatically displaying next program information when a remaining program reaches a preset time” (setting of a reminder that can be pre-set in a predetermined period and the reminder automatically displays message information ahead of the program (i.e., 5 minutes) before the program starts)(col. 16, l. 39-67; col. 17, l. 1-12; col. 36, l. 42-67; col. 37, l. 1-8; & Figs. 14, 48). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Ellis et al. technique of displaying next program information by a default or by user definition as disclosed when a remaining (existing) program time reaches a preset time (about 5 minutes left), such as that taught by Davis et al. in order to preview next program information for the upcoming program as desired.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit
2424

MVH

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